

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RACHEL HIGGINS, as personal representative of
the Estate of Jaime F. Flores, and on behalf of
JAIME JEFFREY FLORES, the surviving minor
child of Jaime F. Flores,

Plaintiff,

No. CIV 09-0410 JP/KBM

v.

PARSONS TRUCKING CO., INC., and
JAMES F. SANER,

Defendants.

ORDER APPOINTING GUARDIAN AD LITEM

THIS MATTER having come before the Court for the appointment of a *Guardian ad Litem* to assist the Court in evaluating a proposed settlement of this pending litigation which will benefit Jaime Jeffrey Flores, a minor child, the Court having reviewed the file and being otherwise fully advised, hereby finds:

1. A *Guardian ad Litem* should be appointed by this Court in connection with the Court's consideration of matters relating to settlement of the minor's claims in this matter.
2. The *Guardian ad Litem* should be appointed to investigate on behalf of the Court into the fairness and reasonableness of a proposed settlement and its effect on the minor.
3. The *Guardian ad Litem's* appointment does not contemplate representation of the minor as an advocate, but only as a functionary of the Court.
4. The *Guardian ad Litem's* responsibilities under this appointment are to the Court, and not to the child. The child in this matter is already represented by competent counsel, and the

Guardian *ad Litem* under this appointment should not be requested to invade or interfere with the child's counsel's responsibility to adequately and effectively represent the child.

5. There are strong public policy reasons to grant immunity to the Guardian *ad Litem* in this case who is acting as an "arm of the Court" and is performing an essential role in this Court's administration of justice, as the Judge's assistant.

6. All immunities and privileges available to the Guardian *ad Litem*, as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 111 N.M. 391, 806 P.2d 40 (1991) should be extended to the Guardian *ad Litem* in this matter.

7. Suzanna Valdez, Esq., is qualified to perform as a Guardian *ad Litem* in this matter.

THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED, Suzanna Valdez shall be appointed Guardian *ad Litem* as an "arm of the Court", appointed in connection with this Court's consideration of a settlement involving minor child, Jaime Jeffrey Flores. Suzanna Valdez shall be absolutely immune from any liability for her actions taken pursuant to this appointment, in so far as her conduct in the case is as a result of an investigation on behalf of this Court into the fairness and reasonableness of the settlement in its effect on the child. The Guardian *ad Litem*'s duties and obligations in this Court are owed to the Court, and not to the child.

This appointment of Suzanna Valdez as Guardian *ad Litem* is intended to convey upon her all of the immunities and protections allowed or provided under *Collins v. Tabet*, 111 N.M. 391, 806 P.2d 40 (1991).



THE HONORABLE KAREN B. MOLZEN

Respectfully submitted,

GADDY JARAMILLO

/s/ David Jaramillo

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Approval given September 14, 2010

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